

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

MICHAEL CALLOWAY,)
)
Plaintiff,)
)
v.) Case No. CIV-10-754-D
)
DON BROWN, *et al.*,)
)
Defendants.)

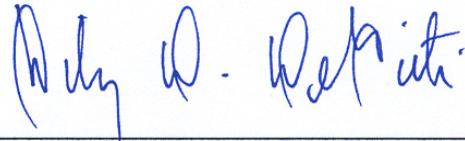
ORDER TO SHOW CAUSE

By Order of July 30, 2010, the Court found Plaintiff's *pro se* Complaint to be deficient under the Federal Rules of Civil Procedure and directed Plaintiff to file an amended pleading that satisfies Rule 8(a). The case file reflects that a copy of the Order was mailed to Plaintiff at his address of record and that the mailing has not been returned. Under LCvR5.4(a), delivery of the Order to Plaintiff is presumed.

Plaintiff has failed to comply with the Order or to request additional time to do so, although he was expressly advised that a failure to comply would result in the dismissal of this action without prejudice to refiling. The record reflects that Plaintiff has taken no further action to prosecute his case. In the exercise of this Court's inherent authority to control its docket and manage its assigned cases, a dismissal without prejudice appears to be appropriate under the circumstances. *See Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962); *United States ex rel. Jimenez v. Health Net, Inc.*, 400 F.3d 853, 856 (10th Cir. 2005). However, Plaintiff will be given one last opportunity to file a sufficient pleading or to show cause why his case should not be dismissed.

IT IS THEREFORE ORDERED that Plaintiff shall comply with the Order of July 31, 2010 [Doc. No. 5], or show cause why this action should not be dismissed without prejudice to refiling, not later than August 27, 2010.

IT IS SO ORDERED this 18th day of August, 2010.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE